SCS custody case 1082

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12/5/77

DEPARTMENT OF STATE A/CDC/MR

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Dear Mr. Burton:

This is in reply to your letter of November 23 concerning the case of John Victor Stoen, who is presently in the custody of a religious group known as The People's Temple, in Guyana. Congressman Robert Duncan has also expressed interest in this case and has received a similar reply.

As you are aware John Stoen's mother has retained Attorneys Margaret Ryan and Jeffrey Haas to counsel her regarding court proceedings in Guyana to retain custody of her son. It is noted that Mrs. Stoen previously signed over custody of John to the religious group. Both Mr. Haas and Ms. Ryan have visited the Department of State to express their concern and to pose questions concerning the handling of a child custody court matter in Guyana. While Mr. Haas was in Guyana for some preliminary court proceedings, he was in close touch with officers at the American Embassy there, who offered him every possible assistance, including personal representations by the Charge d'Affaires to high Guyanese government officials when Mr. Haas believed that political pressures were being brought to bear in the judicial system. Both Mr. Haas and Ms. Ryan agree that the American Embassy offered Mr. Haas all possible assistance during his visit to Guyana. Mrs. Stoen has also retained an attorney in Guyana to represent her. We are informed that the attorney was recommended by the Solicitor General of Guyana and that he enjoys a very good reputation in Guyana.

During Ms. Ryan's recent visit to the Department she talked at length about Mr. Haas's and her belief that the pending judicial proceedings were going to be unfair in some manner, unduly prejudicing the judge against their client. She was unable to be specific and was counseled to keep in close touch with the Embassy for any required assistance during the hearings.

The Honorable
Phillip Burton,
House of Representatives.

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neither the Department nor the Embassy can prevent transgressions of normal court procedures which have not yet happened.

We have attempted to assure Mr. Haas and Ms. Ryan that in our experience Guyana is a country with a strong rule of law and that the judicial system there heretofore has not been unduly influenced by outside political interference. Should Mr. Haas, Ms. Ryan or their Guyanese representative believe that the hearing which is afforded them on behalf of Mrs. Stoen is not conducted in accordance with the local law, they should promptly bring any irregularities to the attention of the American Embassy.

With respect to the basic question regarding custody, such orders issued by individual states in the United States have no validity outside the jurisdiction of the court which issues them. The question of John Victor Stoen's custody can only be decided at this time by the competent court having jurisdiction in his present place of residence, Guyana. Although the California court orders may be useful in the case in Guyana, the family must not expect that the hearing in Guyana is to enforce the California court order. The hearing in Guyana is to determine the custody of John Victor Stoen. His family and their attorneys must be prepared to discuss the basic custody matter with the court in Guyana and not expect that court to accept the decisions of a foreign (U.S.) court at face value.

This information confirms that provided to Ms. Therese Hardi of your staff on November 28, 1977 by telephone. For additional information about child custody cases please telephone Miss Elizabeth Powers of our Office of Consular Services on 632-3015.

Sincerely,

Douglas J. Bennet, Jr.
Assistant Secretary
for Congressional Relations

CA/SCS/EAPOWERS:lsd
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Clearances: SCS-Mr. Rivera
SCS-Mr. Dobranchuk
SCS-Mr. Lambert
CA-Ms. Watson
H-Mr. Krizek

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